

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NUTONE, INC., a Ohio Corporation,

Plaintiff,

v.

JACKEL, INC.,

Defendant and
Third Party-Plaintiff,

v.

ANZEN DENGU CO., LTD. AND API
TECHNOLOGY, INC.,

Third-Party Defendants.

8:07CV305

MEMORANDUM AND ORDER

This matter is before the court on third-party defendant Anzen Dengu Co., LTD.'s motion to extend deadlines to respond to motion to dismiss. Filing No. 74. The court has reviewed the record in this case and will deny the motion to extend time. The motion to dismiss was filed in February 2009. Filing No. 53. The parties have received multiple extensions of time to respond to this motion. Filing Nos. 60, 65, 71, and 73. In the most recent order, Magistrate Judge Thomas Thalken allowed a motion to extend the time to file a reply, but stated that "No further extensions of these deadlines will be granted except on a showing that after an exercise of due diligence by the parties a manifest injustice would occur if a requested extension were not granted." Filing No. 73. Anzen Dengu Co., LTD. has now requested additional time, as his client's offices are closed from August 10, 2009, through August 14, 2009. Given the history of the extensions in this case as well as the

fact that the motion has been pending since February 2009, the court declines to grant the motion to extend.

THEREFORE, IT IS ORDERED that the motion to extend time to respond, Filing No. 74, is denied. The parties shall comply with the discovery and response deadlines as set forth previously.

DATED this 14th day of August, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge